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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,100

08/23/2004

Paul Wayne Nagy

04920

5099

23688

7590

02/09/2007

Bruce E. Harang

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EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/711,100

Applicant(s)

NAGY ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a non-final Office Action for application number 10/711,100 Radio Bin Spacer, filed on 8/23/04. Claims 1-17 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/06 has been entered.

### ***Claim Rejections - 35 USC § 102***

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5609414 to Calouri.

The patent to Calouri discloses a device having a bin having one closed end and open end and further having a top wall with a structural rib (16), a bottom wall and two side walls having a mounting tab (40) located thereon, the tab having a bore (58) therein, the rear end having a pair of spacer stanchions (15) located thereon, the bin having an exterior dimension allowing mounting within an instrument panel opening designed for a larger than standard sized radio and further having interior dimension allowing mounting of a standard sized radio directly therein.

***Claim Rejections - 35 USC § 103***

Claims 2-7 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5609414 to Calouri as applied to claims 1 and 10 above, and in view of United States Patent No. 6330121 to Kobayashi et al.

Calouri discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of plastic, polypropylene, thermoplastic olefins, butadiene and polycarbonate.

Kobayashi et al. teaches a mounting device for a optical device which is made of plastic, polypropylene, thermoplastic olefins, butadiene or polycarbonate (See Col.12 lines 24-29 for material), the materials used for their resilient and strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Kobayashi et al. to have made the device of these materials in order to have a resilient and strong device.

Claims 8, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5609414 to Calouri as applied to claims 1 and 10 above, and in view of United States Patent Publication No. 2005/0231954 to Czech.

Calouri discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of aluminum and metal.

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Czech teaches a mounting device for an optical device which is made of aluminum metal (See page 2, paragraph 0023 for material), the material used for their strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Czech to have made the device of these materials in order to have a strong device.

### ***Response to Arguments***

The applicant has argued that the Calouri reference does not depict a device which could house a larger than regular sized radio in an instrument panel. This is unpersuasive in that the Calouri device is capable of being dimensioned to any size desired. Claim 1 does not recite any structural characteristics that delineate the device from the Calouri reference such as reciting that the device is rectangular or that the side walls are planar.

### ***Conclusion***

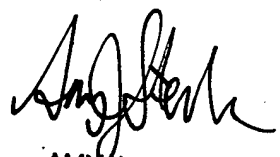
Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

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Amy J. Sterling  
Primary Examiner  
1/24/07

A handwritten signature in black ink, appearing to read 'Amy J. Sterling', is positioned above the printed name.

AMY J. STERLING  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600